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Atten: Group 3623 / Jonathan G. Sterrett
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Fax No.: (571) 273-8300 Phone No.:
Application No. 09/987,356
Confirmation No. 6942
Subject: Atty. Doc. 07781.0013-01000 Date: April 24, 2006

From: Linda J. Thayer Phone No.: 650-849-6621
Fax # Verified by: abs No. of Pages (incl. this page) 3

Confirmation Copy to Follow: No**Message:**

Applicants attach the following paper:

1. Response to Restriction Requirement, with certificate of facsimile (2 pages).

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PATENT
Customer No. 22,852
Attorney Docket No. 07781.0013-01000

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Stefan HACK et al.)	Group Art Unit: 3623
)	
Application No.: 09/987,356)	Examiner: Jonathan G. Sterrett
)	
Filed: November 14, 2001)	
)	
For: VALUE CHAIN OPTIMIZATION)	Confirmation No.: 6942
SYSTEM AND METHOD)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated March 22, 2006, the Examiner required restriction under 35 U.S.C. § 121 between Group I - Claims 1-5, 6-20, 26-39, 40-54 and 66-69; Group II - Claims 21-23, 55-57 and 70; Group III - Claims 24-25; and Group IV - Claims 58-65. Applicants provisionally elect, with traverse, Group IV, claims 58-65 drawn to composing a business application system classified in class 703, subclass 1.

Applicants traverse the restriction requirement on the basis that the Examiner has failed to establish that restriction is proper.

First, the Examiner concludes that the inventions claimed by each group are "related as subcombinations disclosed as usable together in a single combination," but argues that they are distinct because they are all "separately usable," citing to MPEP § 806.05(d). According to § 806.05(d), the Examiner "must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination." In

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the Office action, however, the Examiner does nothing more than repeat the preamble of one of the claims and characterize it as having "separate utility."

Second, the Examiner has provided no specific facts, argument, or substantive basis to establish that the inventions do not overlap and are therefore distinct. (See, e.g., Office Action, paragraphs 2-7.) In fact, claims in Groups I and II do overlap substantially with at least Group IV.

Moreover, the Examiner has not established that there would be a serious search burden as evidenced by separate classification, status or field of search. In fact, although the Examiner concludes that the inventions "have acquired a separate status in the art as shown by their different classification" (Office Action, p. 5, ¶12), Groups I and II have the same classification: class 345, subclass 418.

For at least these reasons, Applicants respectfully traverse and request reconsideration and withdrawal of the restriction requirement.

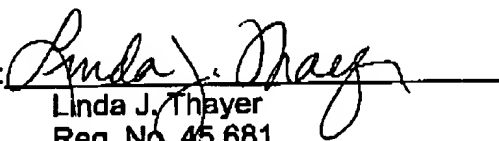
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 24, 2006

By:


Linda J. Thayer
Reg. No. 45,681